

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NEC Cuba Road and Gardener Road	
Section 1 fka Gardener Road	* ZONING COMMISSIONER
13941/13943 Cuba Road	
8th Election District	* OF BALTIMORE COUNTY
3rd Councilmanic District	
John G. Evans, et ux	* Case No. 96-147-SPH
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the properties known as 13941 & 13943 Cuba Road, located in the Hunt Valley section of Baltimore County. The Petition is filed by John G. Evans and Marie T. Evans, his wife, property owners. Special Hearing relief is requested to approve the relocation of one permitted principle dwelling unit and a reconfiguration of lot lines within the tract boundaries of two existing contiguous RC-2 lots of record. Relief is also requested to approve the amendment of a previously approved Final Development Plan and amend the Order in the approved special hearing case No. 89-340-SPHA. The relief requested is more particularly shown on Petitioners' Exhibits Nos. 1 and 2. Petitioners' Exhibit No. 1 depicts the proposed utilization of the property and Petitioners' Exhibit No. 2 is a colorized version of the relief requested. The Petitioners also submitted a copy of the Order issued in case No. 89-340-SPHA (Petitioners' Exhibit No. 3).

Appearing at the requisite public hearing held for this case was John Evans, property owner. Also present were James McKee and James Grammer, engineers, employed by McKee and Associates. Mr. Grammer prepared the site plan. The Petitioners were represented by C. William Clark, Esquire. There were no interested persons or Protestants present.

ORDER RECEIVED ON HEARING
 Date 2/16/96
 By M. G. [Signature]

The subject property is generally known as the Stone Hall Farm and is located on the northwest side of Cuba Road in Hunt Valley. The property is approximately 200 acres in total area. Mr. Evans indicated that he purchased 75 acres of the subject farm in 1985 and acquired the balance of the property in 1986. In 1989, the Petitioner came before then Deputy Zoning Commissioner, Ann Nastarowicz, seeking special hearing approval for a reconfiguration of the R.C. parcels. Deputy Commissioner Nastarowicz granted the relief and her findings and conclusions contained within her 10 page Order are adopted and incorporated herein.

The Petitioner now wishes to further reconfigure the independent lot lines within the tract. The proposed reconfiguration is shown in detail on Petitioners' Exhibit No. 2. Generally, that configuration shows that the site is divided into 3 parcels. Parcel 1 is located on the north side of Gardener Road and contains approximately 47 acres. Parcel No. 2 is located on the south side of Gardener Road and contains approximately 78 acres in total. Parcel No. 3 which was described at the hearing as similar to the hole of the doughnut, lies entirely within parcel No. 2. Parcel 3 is approximately 5.464 acres in area.

The Petitioner proposes the transfer of density from acreage within parcel 2 so as to allow a dwelling which will be located on new lot No. 1B. The changes and adjustments to lot lines are shown on the plan. The existing and proposed utilization of the property is also depicted on the site plan.

Based on the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. The proposed reconfiguration of lot lines is done to accommodate actual and proposed uses with the overall tract. It is clear that a granting of the special hearing will result in an appropriate use of the property, recognizing these existing and proposed improvements and conditions. The prime and productive agricultural

soils contained on the property will be preserved for agricultural purposes. A large area of forest buffer easement will be retained, as shown on the site plan. Thus, the Petition for Special Hearing will be granted.

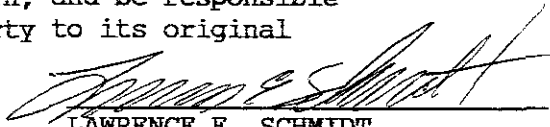
It is also to be noted that the Petitioner has recognized that active agricultural operations on the subject site carry a preferred use status. In this regard, note No. 19 on the site plan requires the Petitioner to advise future homeowners within the site that these agricultural uses are active and residential development is subject to these continued pursuits. I am satisfied that the language as contained in note No. 19 sufficiently recognizes that situation.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of February 1996 that, pursuant to the Petition for Special Hearing, approval to permit the relocation of one permitted principle dwelling unit and a reconfiguration of lot lines within the tract boundaries of two existing contiguous R.C.2 lots of record, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval to amend a previously approved Final Development Plan and amend the Order in the approved special hearing case No. 89-340-SPHA, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

By

2/16/96
M. Howard

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 15, 1996

C. William Clark, Esquire
Nolan, Plumhoff and Williams, Chtd.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 96-147-SPH
Petition for Special Hearing
Property: 13941 and 13943 Cuba Road
John G. Evans and Marie T. Evans, Petitioners

Dear Mr. Clark:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.

c: Mr. and Mrs. John G. Evans, 13941 Cuba Road, Hunt Valley, 21030





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

13941 & 13943 Cuba Road

96-147-SPH

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To permit the relocation of one permitted principle dwelling unit, and a reconfiguration of lot lines within the tract boundaries of two existing contiguous RC-2 lots of record;
2. To amend the previously approved Final Development Plan;
3. To amend the previously approved Special Hearing Case No. 89-340-SPHA;

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

John G. Evans

(Type or Print Name)

Signature

Marie T. Evans

(Type or Print Name)

Signature

13941 Cuba Road

Address

561-8800

Phone No

Cockeysville

City

MD

State

21030

Zipcode

Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc. (410) 527-1555

Name

5 Shawan Road Hunt Valley, MD 21030

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

#149

MCKEE & ASSOCIATES, INC. 96-147-50A
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone (410) 527-1555

Facsimile (410) 527-1563

September 27, 1995

ZONING DESCRIPTION

#13941 & #13943 CUBA ROAD

Beginning at a point being the southeasternmost corner of the intersection of Cuba Road, 60 feet wide, and Gardiner Road, 50 feet wide. Being Parcels One and Two, Plat Three in the subdivision of Gentsville (now known as Nicholson's Manor - Section One) as recorded in Baltimore County Plat Book 62, page 35. Containing 78.457 acres and 5.464 acres of ground respectively. Also known as #13941 and #13943 Cuba Road, located in the Eighth Election District, Third Councilmanic District.



10/3/95

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #89-147-SPH
13941 and 13943 Cuba Road
Nelson's Manor, Section 1
NEC Cuba Road and Gardener Road
8th Election District
3rd Councilmanic
Legal Owner(s):
John G. Evans and Marie T. Evans
Hearing: Wednesday, November 15, 1995 at 11:00 a.m. in Rm. 106, County Office Building.

Special Hearing: to permit the relocation of one permitted principal dwelling unit and a reconfiguration of lot lines within the tract boundaries of two existing contiguous R.C.2 lots of record, to amend the previously approved Final Development Plan, and to amend the previously approved special exception case #89-340-SPHA

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 867-3353.
(2) For information concerning the File and/or Hearing, Please Call 867-3391.

10/23/95 Oct 19, *

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. H. Harrison
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 149

Petitioner: John G. Evans, Marie T. Evans

Location: 13941 & 13943 Cuba Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John G. Evans

ADDRESS: 13941 Cuba Road

Hunt Valley, MD 21030

PHONE NUMBER: 584-2727

AJ:ggs

(Revised 04/09/93)



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 19
By JH

DATE

10/5/75

ACCOUNT

R0016150

96-147-SPH

AMOUNT

\$ 25.00

RECEIVED
FROM:

EVANS

FOR:

RES. SPH FOR 13941 AND 13943 CUBA RD. 30.00
1511 N. RESTON

03103#0130MICRAC

BA 0003:249X10-05-75

35.00
35.00 = 35.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

TO: PUTUXENT PUBLISHING COMPANY

October 19, 1995 Issue - Jeffersonian

Please forward billing to:

John G. Evans
13941 Cuba Road
Hunt Valley MD 21030
584-2727

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-147-SPH (Item 149)
13941 and 13943 Cuba Road
Nicholson's Manor, Section 1 fka Gentsville
NEC Cuba Road and Gardener Road
8th Election District - 3rd Councilmanic
Legal Owner: John G. Evans and Marie T. Evans

Special Hearing to permit the relocation of one permitted principal dwelling unit and a reconfiguration of lot lines within the tract boundaries of two existing contiguous R.C.2 lots of record; to amend the previously approved Final Development Plan; and to amend the previously approved special exception case #89-340-SPHA.

HEARING: WEDNESDAY, NOVEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-148-A (Item 150)
2943 Manns Avenue
St. Ursula Resource Center
SW of Manns Avenue, 280' W of c/l Harford Avenue
9th Election District - 6th Councilmanic
Legal Owner: Cardinal William H. Keeler, RC Archbishop of Baltimore

Variance to permit an existing, non-residential church structure to have a front yard of 24 feet and interior side yards of 8 feet in lieu of the respectively required 40 feet and 20 feet.

HEARING: WEDNESDAY, NOVEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: St. Ursula Roman Catholic Church
Joyce K. Becker
Thomas W. Biddison, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

Mr. and Mrs. John G. Evans
13941 Cuba Road
Cockeysville, MD 21030

RE: Item No.: 149
Case No.: 96-147-SPH
Petitioner: J. G. Evans, et ux

Dear Mr. and Mrs. Evans:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

November 2, 1995

SUBJECT: Zoning Item #149 - Nicholson's Manor
13941-13943 Cuba Road
Zoning Advisory Committee Meeting of October 16, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Be advised that the Forest Buffer Easement (FBE) must be protected and allowed to regenerate.

Additionally, favorable reviews of future submissions hinge on an approved variance request for agricultural uses occurring within portions of the FBE.

Agricultural Preservation Program

A mixed screen of forest from 30 ft. to 40 ft. wide should be planted on the back of lots 17 and 18. This buffer will help reduce the impact of potential agricultural activities on the residential use of these lots. The standard agricultural note must be put on plan. It is no longer recommended that the lots be reduced in size. The proposed lot size is consistent with the adjacent lots, and the loss of the agricultural resources is not significant.

*10
genl
note
#19*

JLP:MK:WL:sp

NICHOLS/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 20, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, ^{RWB/DAR} P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 23, 1995
Item 149

The Development Plans Review Division has reviewed the subject zoning item. The recorded plat SM 62 Folio 035, dated July 18, 1990, "Gentsville, Plat Three", must be revised to reflect the approval Final Development Plan now called "Nicholson Manor - Section One - Special Hearing and Fourth Amended."

RWB:sw

RECORDED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 145, 147, 148, 149,
150 and 151. 5

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 17, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 149 and 151

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-16-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 149 (JLL)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

ENCLOSURE

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#147 -- JRA

1. Only 2 attachments submitted with variance petition, but 3 petitions submitted.
2. Need power of attorney for person signing for legal owner.

#148 -- JCM

1. No acreage listed on folder.

#149 -- JLL

1. No review information on bottom of petition form.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 27, 1996

(410) 887-4386

C. William Clark, Esquire
Nolan, Plumhoff and Williams
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 96-147-SPH
Petition for Special Hearing
John G. Evans, et ux, Petitioners

Dear Mr. Clark:

This is to acknowledge your letter of March 25, 1996 regarding the above matter. I have, again, reviewed the file for this case, more particularly Petitioners' Exhibit No. 2, the site plan which depicts the reconfiguration of the subject parcel in accordance with the Petition for Special Hearing. Your letter is, indeed, correct in that the site plan shows that the transfer of density to establish new lot No. 1B will be from parcel 3. My opinion and Order of February 16, 1996 erroneously designated parcel 2. Please accept this letter as correction of that typographical error.

I have also enclosed an executed copy of your letter of March 25, 1996, per your request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Baltimore County
Department of Environmental Protection
and Resource Management

Bureau of Water Quality
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-2904
Fax: (410) 887-4804

July 26, 1995

Dear Applicant:

Thank you for appearing before the Baltimore County Agricultural Land Preservation Advisory Board on July 20, 1995. Please find enclosed a copy of your application and a record of the Board's recommendation to the Zoning Office. Please note the Zoning Office will make the final decision and you must consult that Office before proceeding with your plans

Please do not hesitate to contact me at 887-2904 if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wally Lippincott Jr.", is written over the typed name.

Wallace S. Lippincott, Jr.

RM-19 (CONTINUED) SAMPLE
BALTIMORE COUNTY, MARYLAND

TO BE SUPPLIED BY
THE APPLICANT

INTER-OFFICE CORRESPONDENCE

TO: Wallace S. Lippincott, Jr.
Program Administrator
Department of Environmental Protection
and Resource Management

Date: 7/20/95

SUBJECT Application for tenant ☒ Dwelling ☐ Trailer

Election District 8

Owner: JOHN G. & MARIE T. EVANS

Phone # 410-584-2727

Address: 13941 CUBA ROAD

Tax Account
Number

HUNT VALLEY MD 21030

2	2	0	0	0	0	4	1	2	9
---	---	---	---	---	---	---	---	---	---

Pursuant to the Zoning Commissioner's policies RM-13 and RM-19, this office is officially requesting verification of the legitimacy of a farm use and the need for an on-site full time tenant farmer on the above referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

1. the signed and notarized tenant affidavit
2. the deed to the property
3. the state tax map for that area,

map	block	parcel
<u>41</u>	<u>5</u>	<u>61</u>

We appreciate your verification and/or recommendations concerning this property.

LEGITIMACY OF A FARM USE

☒ Yes ☐ No ☐ Comment _____

NEED FOR AN ON-SITE TENANT FARMER

☒ Yes ☐ No ☐ Comment _____

Signed: [Signature]

Representative of the Agricultural
Land Preservation Board for
Baltimore County

Date: 7/20/95

SAMPLE

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 20th day of July, 1995
before me, the subscriber, a Notary Public in and for the State and County
aforesaid, personally appeared John G. Evans

MARIE T. EVANS, and having been duly sworn, states as follows:

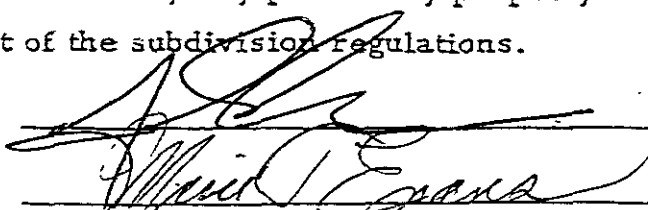
1. That (~~he/she~~/they) (~~is/are~~) the owner(s) of 75 acres of land
located at 139³⁷ CURA ROAD, in the 8th Election
District of Baltimore County which was acquired on JUNE 1985 by
Deed dated JUNE 23, 1985 and recorded among the Land Records
of Baltimore County in Liber 6943, No. , folio 594, a copy of which
is attached hereto.

2. That the primary use of the aforementioned property will be that of a
farm as defined in Section 101 of the Baltimore County Zoning Regulations.

3. That the owners ~~in accordance with the application of building permit~~
~~will construct~~ ACKNOWLEDGE THE EXISTENCE OF TENANT
HOUSE WHICH HAS BEEN PART OF THIS FARM FOR MANY YEARS.

4. That any tenant houses ~~which will be constructed pursuant to any~~
~~approval and/or permit issued by Baltimore County~~ will be occupied at all
times by a farmer whose principal vocation will be farming of the above-
described property.

5. With regard to the ~~construction of any~~ tenant house, I understand that
I cannot transfer ownership of said tenant house separate and apart from a
conveyance of all of the property described in paragraph No. 1 hereof without,
prior thereto, complying with the requirements of the subdivision regulations.
I understand that any transfer or conveyance of a part of the property on which
is located a tenant house for which an approval or permit is now being
granted without complying with the requirements of the subdivision regula-
tions (inclusive of approval of a subdivision plat by the Planning Board) is a
violation of the law. I will not transfer or convey any part of my property
without complying with the requirement of the subdivision regulations.


Owners

AS WITNESS my hand and Notarial Seal the day and year first above written

My Commission Expires 4/1/96 Katherine J. Connolly

RE: PETITION FOR SPECIAL HEARING
13941 AND 13943 Cuba Road
Nicholson's Manor,
Section 1 fka Gentsville
NEC Cuba Road and Gardener Road
8th Election District
3rd Councilmanic

11/15
25

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

John G. Evans and Marie T. Evans
Petitioners

Case No. 96-147-SPH

* * * * *

ENTRY OF APPEARANCE


Please enter the appearance of C. William Clark, and Nolan, Plumhoff & Williams, Chartered, as counsel for the Petitioners in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter, and of the passage of any preliminary or final Order.



C. William Clark
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204
Telephone: 410/823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of October, 1995, a copy of the foregoing Entry of Appearance, was mailed, postage prepaid, to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204.



C. William Clark

NEWTON A WILLIAMS
THOMAS J RENNER
WILLIAM P ENGLEHART, JR
STEPHEN J NOLAN*
ROBERT L HANLEY, JR
ROBERT S GLUSHAKOW
STEPHEN M SCHENNING
DOUGLAS L BURGESS
ROBERT E CAHILL, JR.
C WILLIAM CLARK
E BRUCE JONES**
J JOSEPH CURRAN, III
STUART A SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D NOLAN
(RETIRED 1980)
J EARLE PLUMHOFF
(1940-1988)
RALPH E DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

25 March 1996

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

The Honorable Lawrence Schmidt
Zoning Commissioner for
Baltimore County
County Court House
Towson, MD 21204

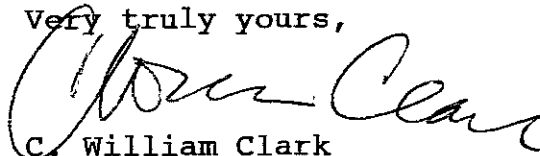
Re: Case No. 96-147-SPH
John G. Evans, et ux, Petitioners

Dear Commissioner Schmidt:

As you will recall, I came in recently to see you concerning one typographical error, which occurs on page 2 of your Findings of Fact and Conclusions of Law issued in the above-captioned case. On page 2 in the third full paragraph you refer to the proposed transfer of density from acreage within Parcel No. 2, so as to allow a dwelling which would be located on new Lot No. 1B. In fact, it is Parcel No. 3 from which that density is taken so that the new Lot No. 1B can be created. At your suggestion, I have written this letter to clarify this matter, and assuming that you are in agreement, I have placed a signature line for you below, and would ask that you send me a copy of this letter once you have signed the same.

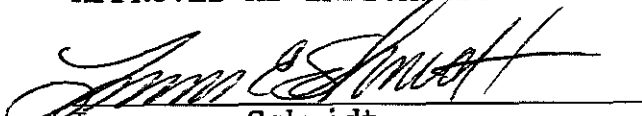
Thank you for your anticipated cooperation. Should you have any questions and/or concerns, please feel free to contact me.

Very truly yours,


C. William Clark

/mh

APPROVED AS INDICATED:


Lawrence Schmidt
Zoning Commissioner for
Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES D. GRAMMER

5 SHAWAN RD HUNT VALLEY 21030

Jim McKee

John G Evans

13941 CUBA RD Hunt Valley 21030



PLANTED
BETWEEN
OPPOSED
LANDS
SUBMITTED
REMAID

PARCEL 2
78.457 Ac. ±

PARCEL 3
5.464 Ac. ±

PARCEL LINES
TO BE REMOVED

BUFFER EASEMENT

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management

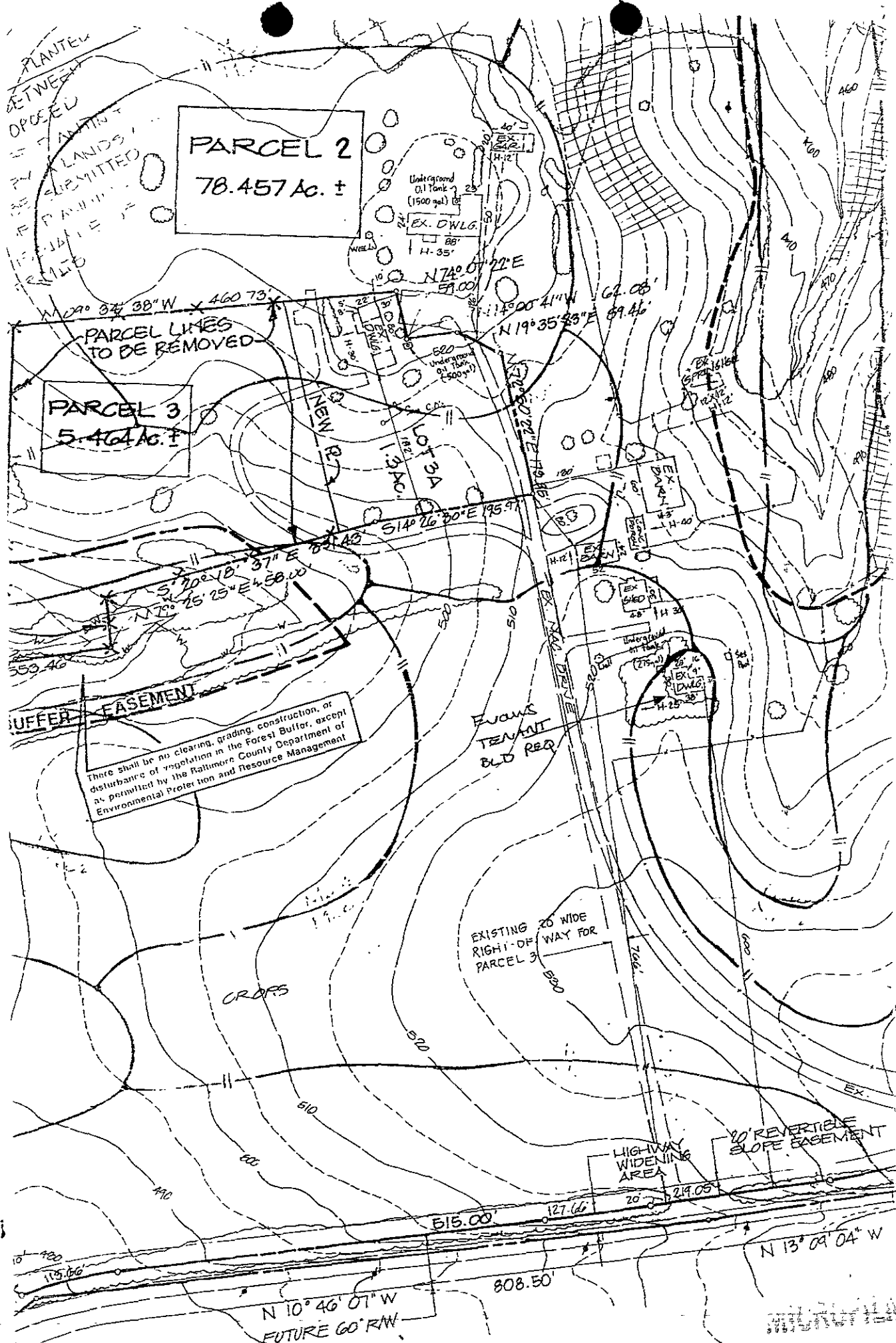
EVANS
TENANT
BLD REQ

EXISTING 20' WIDE
RIGHT-OF-WAY FOR
PARCEL 3

HIGHWAY
WIDENING
AREA

10' REVERTIBLE
SLOPE EASEMENT

LEGEND



IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE - E/S *
Cuba Road, 4200' +/- NW of * DEPUTY ZONING COMMISSIONER
Shawan Road * OF BALTIMORE COUNTY
(13941 Cuba Road) *
8th Election District * Case No. 89-340-SPHA
3rd Councilmanic District *
John G. Evans, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the reconfiguration of the parcels in the R.C. 2 zoned portion of the subject property to correct and restore three parcels with a retention of six (6) density units, as was permitted in 1977, and to confirm two (2) tenant houses, one (1) guest house, and the existence of a dwelling 16 feet from a street centerline as nonconforming; or, alternatively, to approve two (2) tenant houses and one guest house as nonconforming uses; and a variance to permit a street centerline setback of 16 feet in lieu of the required 75 feet for an existing tenant house, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by John G. Evans, appeared, testified, and were represented by Newton A. Williams, Esquire and Stephen J. Nolan, Esquire. Also appearing and testifying on behalf of the Petitions were James W. McKee and Geoffrey C. Schultz of McKee and Associates, and Bernard Willemain, a Land Planner. There were no Protestants.

Subsequent to the hearing, Lisa Keir, Executive Director of the Valleys Planning Council, contacted this office to advise that the Council had no comments on the subject proposal.

Testimony indicated that the subject property, known as 13941 Cuba Road, and also known as the Stone Hall Farm, consists of 208.08 acres

EXHIBIT 3

more or less, of which 72.03 acres is zoned R.C. 4 and 136.05 acres are zoned R.C. 2. Said property is located off of Cuba Road, north of Shawan Road, near Western Run Road. Pursuant to the zoning regulations, the subject property is permitted as of right to have 14 lots in the R.C. 4 zone and 6 lots in the R.C. 2 zone. Petitioners request permission to reconfigure the parcels in the R.C. 2 zoned portion of the site to restore the property as three parcels with the retention of six density units as was the case in 1977.

Central to an understanding of this case is an understanding of the recent parcel history of the subject property. While the Stone Hall property dates back to the eighteenth century, it is not necessary to reach back further than the predecessors in title of the Petitioners, namely Mrs. Selena Hulings, widow, and Mrs. Isabel Hulings Klots, widow, her daughter. The Petitioners submitted and presented a detailed title history which is briefly summarized herein. By deed dated December 8, 1930, Liber 864, folio 581, Mr. and Mrs. Garnet Hulings acquired the subject property in two (2) parcels, Parcel 1 of 28.89 acres, and Parcel 2 in excess of 225 acres, as set forth in Petitioner's Exhibit 2. Prior to the advent of the R.C. zones in 1976, and the R.C. 2 zone change in 1979, Ms. Hulings, by then a widow, conveyed a third parcel to her daughter and son-in-law, that is Isabel Hulings Klots and Trafford Partridge Klots, of 5.523 acres, which included a former carriage house upgraded to a guest house, as well as a barn. Said deed was recorded in 1947 in Liber 1563, folio 34. Thus, in 1977, prior to the 1979 change in the R.C. 2 zone, the subject property was comprised of three (3) parcels.

The Evans acquired the property from Mrs. Hulings and her daughter, Mrs. Klots, by means of two conveyances. In June, 1985, by Deed

recorded in Liber 6943, from Mrs. Hulings and Mrs. Klots as grantors, the Evans acquired a 75.479 acre parcel which comprised the main house, the outbuildings and barns, one of the two tenant houses, and the majority of the Klots' parcel, including the guest house. The following year, in October, 1986, by Deed recorded in Liber 7312, folio 786, the Evans acquired the balance of the Hulings/Klots properties, in all some 132.595 acres. The Petitioners, who acquired the balance of the farm for agricultural purposes, argue and contend they held the subject property in three parcels just as had their predecessors in title, Mrs. Hulings and Mrs. Klots.

When in late 1988 the Evans decided to utilize the rear portion of the property zoned R.C. 4 to create the fourteen (14) lot subdivision of Gentsville (named for the historic area of small homesites on the west side of Cuba Road opposite the Evans property), it became evident in the CRG process that for the purposes of serving the R.C. 4 portion of the property with access, the only practical route was through the R.C. 2 zoned portion of the property. This is the best access route because Western Run to the north, Greencroft to the east, and Randallia to the south, all zoned R.C. 4, had been developed without providing a fee simple road access to the Evans, former Hulings/Klots, property line.

It was deemed impractical for reasons of topography, agricultural preservation, protection of the historic main house and complex, and safe sight distance on Cuba Road to access the property on the boundary between the main two (2) Evans' parcels, and thus, Road A follows the contour of the land into the site from the safest entrance point on Cuba Road. Part of the present relief sought is to restore and to reconfigure the Evans' R.C. 2 farm areas into three (3) parcels; Parcel 1 of 47.3 acres, north of

San Diego MEI

Road A, and two parcels south of Road A; the continued Klots parcel, Parcel 3 of 5.52 acres, and the balance of 78.8 acres, Parcel 2.

Testimony presented indicated both of the areas north and south of Road A will continue in agricultural use, with provisions made in the road for farm machinery to cross. Further, the Evans have recently fenced a large area south of their driveway, east of Cuba Road at the south end of their property, for pasturing and riding horses. Thus, Petitioners argue they are merely seeking a restoration of three parcels, the same number as under the Klots/Hulings' ownership and under the Evans' ownership prior to the creation of Gentsville.

Testimony presented by Petitioners' witnesses, including Bernard Willemain, explained in detail the planning reasons and the rationale for the reconfiguration of the lots as proposed. Petitioner's testimony further indicated that the proposed reconfiguration is within the spirit and intent of the zoning regulations and the property's zoning classification as it will continue to promote the agricultural preservation of the property. Testimony indicated the subject property is presently used for farming and will continue to be used for such purposes. Testimony and evidence presented indicated the Petitioners have expended a great deal of time and money renovating existing buildings and barns and fencing a sizable portion of the property for grazing by horses. Petitioners emphasized the steps being taken by them to preserve the agricultural uses, including providing a farm vehicle crossing on the proposed road leading into the new development of Gentsville and the configuration of the road which will best promote the preservation of the farm formerly known as Stone Hall.

With respect to the request for a nonconforming use of the two tenant houses and one guest house on the subject property, the uncontra-

4/6/89
DATE
BY
C. J. Sullivan

verted testimony indicated the existence of the dwellings pre-dates the zoning regulations taking effect in 1945. Further testimony indicated the three buildings have been occupied as rental properties continuously and without interruption but for a change in tenancy since prior to 1945.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such

nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an

exception upon the general nonconforming rule for Special Exception office buildings. Said section is inapplicable to this factual situation.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

The uncontraverted testimony presented indicated that the two tenant houses and the guest house, also known as the carriage house, have existed on the property and have been occupied continuously and without interruption since prior to 1938, and thus are nonconforming.

The next issue to be addressed in this matter is the variance request to permit a street centerline setback of 16 feet in lieu of the required 75 feet for the existing tenant house on Parcel 1. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

4/16/89
By *Betty G. Sullivan*
LCS
FILED

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

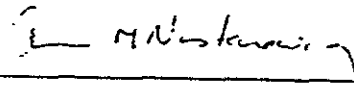
Testimony presented established that the house is in the same location as it was prior to the zoning regulations taking effect in Baltimore County. It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Variance should be granted.

4/6/89
Date
By *Rita J. Sullivan*
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of April, 1989 that the Petition for Special Hearing to approve the reconfiguration of the parcels in the R.C. 2 zoned portion of the subject property to correct and restore three parcels with a retention of six (6) density units, as was permitted in 1977, and to confirm two (2) tenant houses, one (1) guest house, and the existence of a dwelling 16 feet from a street centerline as nonconforming; (or, alternatively, to approve two (2) tenant houses and one guest house as nonconforming uses); and the Petition for Variance to permit a street centerline setback of 16 feet in lieu of the required 75 feet for an exist-

5) The density shall be calculated using existing dwellings and tenant dwellings subdivided into Parcels 1, 2 and 3 by Petitioners as set forth in Petitioner's Exhibit 1, unless said dwellings are used in compliance with the zoning regulations as tenant houses in conjunction with the farm use, and/or are permitted as of right under the zoning regulations then in effect.

AMN:bjs


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

CREW... FILING
Date 4/16/89
By [Signature]

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SM/S Mt. Vista Road, 1250 ft. * ZONING COMMISSIONER
+/- from c/l Mohr Road * OF BALTIMORE COUNTY
6943 Mount Vista Road * Case No. 96-174-SPH
11th Election District
6th Councilmanic District
Theodore E. Turner, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 6943 Mount Vista Road in Kingsville. The Petition is filed by Theodore E. Turner and Joyce Turner, property owners. Special Hearing relief is requested to approve an in-law apartment on the subject property. The property and proposed use are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Joyce Turner. Also present was her mother, Doris Hopkins. It is proposed that Mrs. Hopkins will occupy the in-law apartment. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject property is 2.25 acres in area, zoned R.C.5. Mr. and Mrs. Turner acquired the property in June of 1995 and are erecting a single family house thereon. The dwelling is under construction and is to be completed in approximately March of 1996. The structure will be a single family dwelling housing Mr. and Mrs. Turner and their family. An in-law apartment is also proposed within the dwelling; thus the need for special hearing relief. The in-law apartment will be occupied by Mrs. Hopkins. The apartment will contain a kitchen, a bedroom, a bath, and a small dining/entertaining area. It will be interconnected with the house with an interior access thereto. Mrs. Turner indicated that her mother is widowed and desires to reside with her and her family while retaining her independence.

The subject property is a large lot which can easily accommodate the structure and apartment. Moreover, the apartment will be within the interior of the house and will not be a separate structure. Based on the testimony and evidence presented, I am persuaded that the proposed use will not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing shall be granted. The relief provided will be restricted, however, so as to permit only Mrs. Hopkins, or other family members, to reside in the apartment. Owing to the character of the proposed apartment, it seems evident that same could not be used as separate quarters for another family, nonetheless, this restriction shall be imposed so as to prohibit that possibility.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of December, 1995 that, pursuant to the Petition for Special Hearing, approval to allow an in-law apartment on the subject property, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The occupancy of the in-law apartment shall be restricted to the Petitioner's mother, Doris Hopkins, and/or other family members.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 3, 1996

Mr. and Mrs. Theodore E. Turner
4103 Pinedale Drive
Baltimore, Maryland 21236

RE: Case No. 96-174-SPH
Petition for Special Hearing
Property: 6943 Mount Vista Road, Balto.Md.

Dear Mr. and Mrs. Turner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6943 Mt Vista Rd, Balto Co.
which is presently zoned RC5
96-174-SPH

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

To permit the use of an in-law apartment.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/lessor:	(Type or Print Name)	Lead Owner(s):	(Type or Print Name)
Signature:		Signature:	<i>Theodore E. Turner</i>
Address:		Signature:	<i>Joyce H. Turner</i>
City:	State:	City:	State:
Attorney for Petitioner:	(Type or Print Name)	Signature:	<i>Joyce H. Turner</i>
Address:		Address:	<u>4103 Pinedale Dr. 21236</u>
City:	State:	City:	State:
Signature:		Signature:	
Address:		Address:	
City:	State:	City:	State:
ESTIMATED LENGTH OF HEARING		the following date: <u>10/23/95</u>	
ALL		OTHER	
REVIEWED BY: <i>JH</i>		DATE: <u>10/23/95</u>	

#172

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 11/18/95
Posted for: Special Hearing
Petitioner: Joyce H. Turner
Location of property: 6943 Mt Vista Rd, SNL
Location of Sign: Along roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 11/24/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov. 21, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1995

THE JEFFERSONIAN,

A. H. Harrison
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE: <u>11-23-95</u>	ACCOUNT: <u>E-001-CIS-CCO</u>
96-174-SPH AMOUNT: <u>\$ 85.00</u>	
RECEIVED FROM: <u>TURNER</u>	TAKEN BY: <u>JEP</u>
FOR: <u>030-SPH = 50.00</u>	<u>030-SPH = 35.00</u> ITEM # <u>172</u>
VALIDATION OR SIGNATURE OF CASHIER	

Zoning Described EXHIBIT A

96-174-SPH
for 6943 Mt Vista road
BALTO MD 21087

BEGINNING for the same at a point in and distant, South 63 degrees 46 minutes 53 seconds West 31.19 feet from the beginning of the third or South 63 degrees 46 minutes 53 seconds West 334.85 feet line of that parcel of land conveyed by and described in a deed from Raymond Lee Byer, Sr. and Jean Ann Byer, his wife to Raymond Lee Byer, Sr., dated 12 August 1986 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 7385, folio 118, said point being also, in the westerly side of a 30 foot road widening parcel of Mount Vista Road, running thence and binding on the remainder of the said third and part of the fourth lines, the two (2) following courses and distances viz:

- 1) South 63 degrees 46 minutes 53 seconds West 297.66 feet, and
- 2) North 06 degrees 39 minutes 48 seconds East 350.63 feet to a point, thence for a new line of division through and across the lands of the herein above named grantor,
- 3) North 79 degrees 11 minutes 56 seconds East 364.47 feet to a point to intersect the westerly side of the aforesaid 30 foot road widening parcel, thence binding on the said westerly side,
- 4) South 10 degrees 00 minutes 15 seconds West 289.46 feet to the beginning hereof, containing 2.26 acres of land, more or less.

And including road widening strip described as follows:

BEGINNING for the same at a point in or near the center of Mount Vista Road at the beginning of the third or South 63 degrees 46 minutes 53 seconds West 334.85 feet line of that parcel of land conveyed by and described in a deed from Raymond Lee Byer, Sr. and Jean Ann Byer, his wife to Raymond Lee Byer, Sr., dated 12 August, 1986 and recorded among the Land Records of Baltimore County in Liber SM No. 7385, folio 118, running thence and crossing the said road and binding on part of the said third line.

- 1) South 63 degrees 46 minutes 53 seconds West 31.19 feet to a point thence for new lines of division through and across the land of the herein above named grantor, the two (2) following courses and distances, viz:
- 2) North 10 degrees 00 minutes 15 seconds East, 289.46 feet and
- 3) North 79 degrees 11 minutes 56 seconds East, 364.47 feet to a point in or near the center of the aforesaid Mount Vista Road to intersect the westerly side of the aforesaid 30 foot road widening parcel, thence binding on or near the center of the said road and binding on part of the said third line,
- 4) South 10 degrees 00 minutes 15 seconds West 279.46 feet to the beginning hereof, containing 0.20 acre of land, more or less.

#172



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 172 Petitioner: _____
Location: 6943 Mount Vista road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Theodore E. Turner
ADDRESS: 4103 Pinedale Drive
Baltimore Md 21236
PHONE NUMBER: 410-256 1035

TO: WITKENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Theodore E. Turner
4103 Pinedale Drive
Baltimore MD 21236
256-1035

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-174-SPH Item 172
6943 Mt. Vista Road
SW/S Mt. Vista Road, 1250' +/- from c/l Mohr Road
11th Election District - 6th Councilmanic
Legal Owner: Joyce Turner and Theodore E. Turner

Special Hearing to permit the use of an in-law apartment.

HEARING: MONDAY, DECEMBER 4, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-174-SPH Item 172
6943 Mt. Vista Road
SW/S Mt. Vista Road, 1250' +/- from c/l Mohr Road
11th Election District - 6th Councilmanic
Legal Owner: Joyce Turner and Theodore E. Turner

Special Hearing to permit the use of an in-law apartment.

HEARING: MONDAY, DECEMBER 4, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Theodore and Joyce Turner

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 28, 1995

Mr. and Mrs. Theodore Turner
4103 Pinedale Drive
Baltimore, MD 21236

RE: Item No.: 172
Case No.: 96-174-SPH
Petitioner: T. Turner, et ux

Dear Mr. and Mrs. Turner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

November 14, 1995

FROM: J. Lawrence Pilon
Development Coordinator, DEPRM

SUBJECT: Zoning Item #172 - Turner Property
6943 Mt. Vista Road
Zoning Advisory Committee Meeting of November 6, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

If approval is granted for "in-law apartment", the septic system recommendations for the house currently under construction for this lot will need to be revised to require a separate septic tank to receive the waste flow from the apartment.

JLP:TE:sp

TURNER/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 7, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6943 Mt. Vista Rd.

INFORMATION:

Item Number: 172

Petitioner: Turner Property

Property Size:

Zoning: RC-5

Requested Action: Special Hearing

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request; however, the dwelling should once again function as a single-family residence at such time as a family member ceases to reside in the in-law apartment.

Prepared by: Jeffrey W. Long

Division Chief: Amy L. Davis

PK/JL

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Nov. 16, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Items 172, 173, 178, and 180

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:ew

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/29/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 6, 1995

Item No.: SEE BELOW

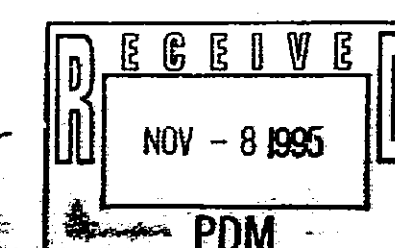
Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 173, 178, 179, 180, AND 180.5

REVIEWER: LT. ROBERT P. GALLERMAN
Fire Marshal Office, PHONE 887-4891, MS 1104F



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 172 (JLE)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING *
6943 Mt. Vista Road, SW/S Mt. Vista Rd. *
1250 +/- from c/l Mohr Road *
11th Election District, 6th Councilmanic *
Theodore E. and Joyce Turner *
Petitioners *
BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 96-174-SPH *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

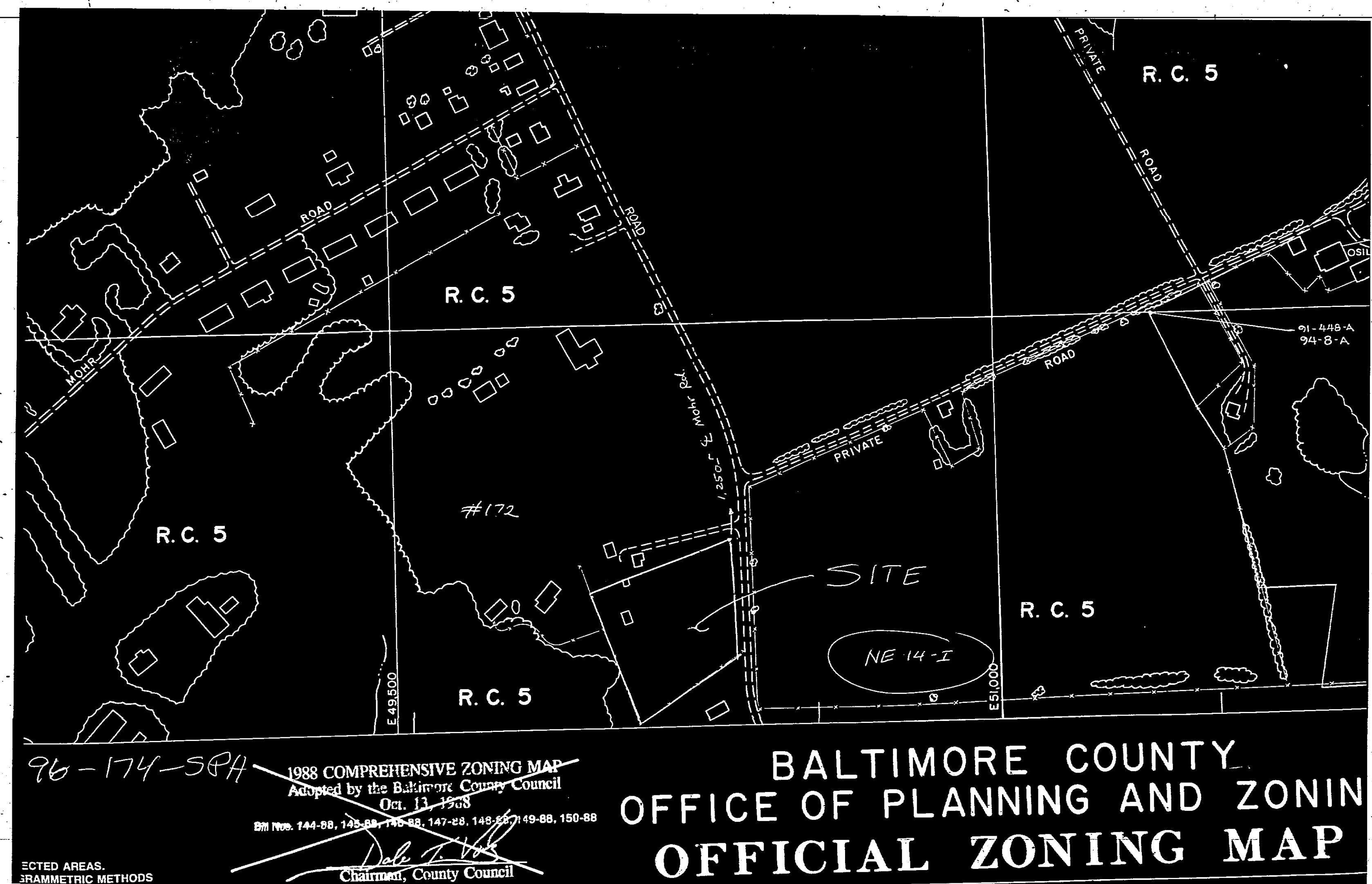
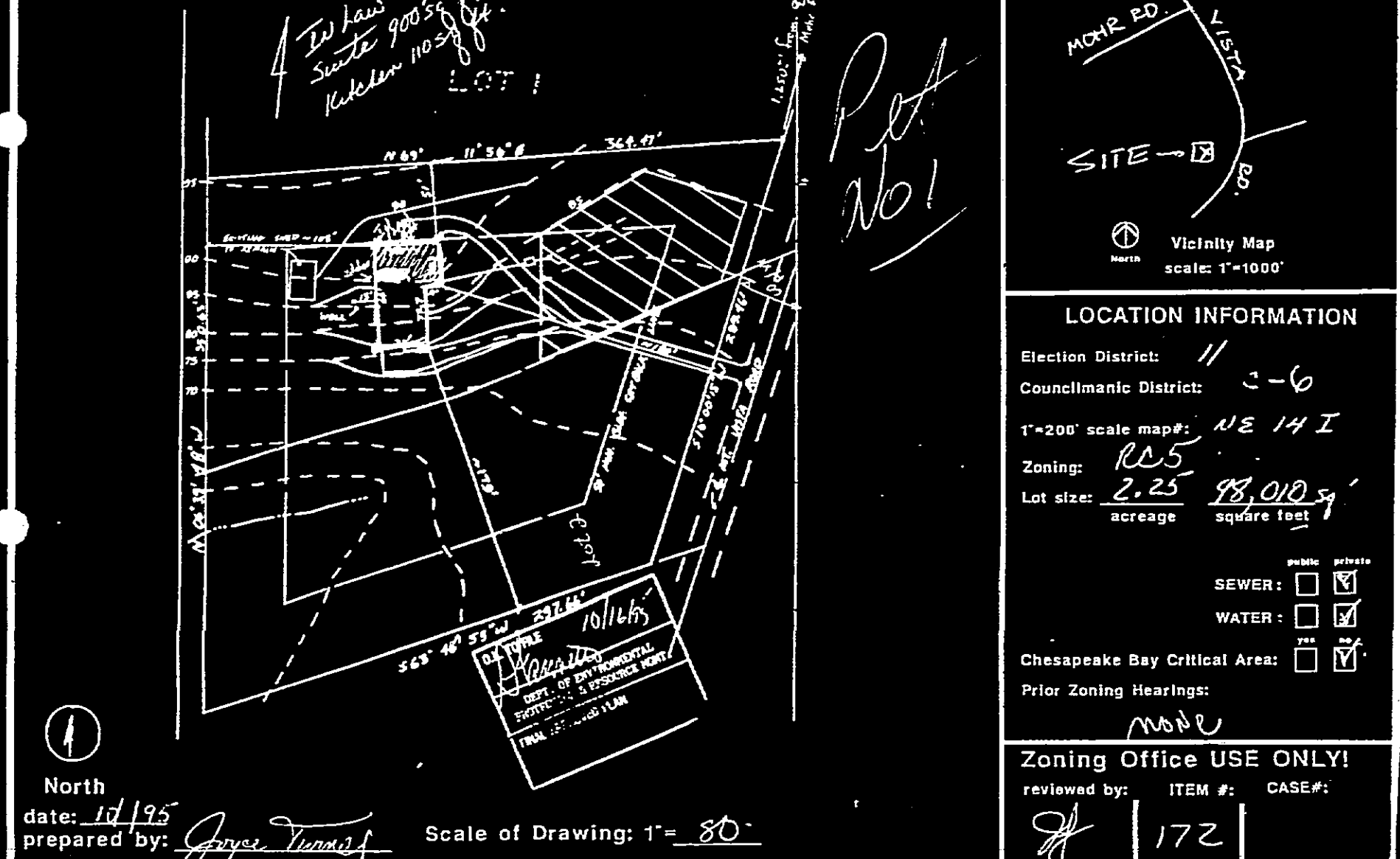
I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Theodore E. and Joyce Turner, 4103 Pinedale Drive, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 6943 Mount Vista Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: 96-174-SPH
plat book# 1 folio# 1 lot# 1 section# 1
OWNER: Theodore and Joyce Turner



TO: SUBMITTER ESTABLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

John G. Evans
13941 Cuba Road
Hunt Valley MD 21030
584-2727

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-147-SPH (Item 149)
13941 and 13943 Cuba Road
Nicholson's Manor, Section 1 Pla Gentsville
SEC Cuba Road and Gardner Road
8th Election District - 8th Councilmanic
Legal Owner: John G. Evans and Marie T. Evans

Special Hearing to permit the relocation of one permitted principal dwelling unit and a reconfiguration of lot lines within the tract boundaries of two existing contiguous R-C-2 lots of record; to amend the previously approved Final Development Plan; and to amend the previously approved special exception case #89-340-SPH.

HEARING: WEDNESDAY, NOVEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-148-A (Item 150)
2943 Manns Avenue

St. Ursula Resource Center
SW of Manns Avenue, 280' W of c/l Harford Avenue
9th Election District - 8th Councilmanic
Legal Owner: Cardinal William H. Keeler, RC Archbishop of Baltimore

Variance to permit an existing, non-residential church structure to have a front yard of 24 feet and interior side yards of 8 feet in lieu of the respectively required 40 feet and 20 feet.

HEARING: WEDNESDAY, NOVEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Arnold Jablon
Director

cc: St. Ursula Roman Catholic Church
Joyce K. Becker
Thomas H. Riddison, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 9, 1995

Mr. and Mrs. John G. Evans
13941 Cuba Road
Cockeysville, MD 21030

RE: Item No.: 149
Case No.: 96-147-SPH
Petitioner: J. G. Evans, et ux

Dear Mr. and Mrs. Evans:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
November 2, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #149 - Nicholson's Manor
13941-13943 Cuba Road
Zoning Advisory Committee Meeting of October 16, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Be advised that the Forest Buffer Easement (FBE) must be protected and allowed to regenerate.

Additionally, favorable reviews of future submissions hinge on an approved variance request for agricultural uses occurring within portions of the FBE.

Agricultural Preservation Program

A mixed screen of forest from 30 ft. to 40 ft. wide should be planted on the back of lots 17 and 18. This buffer will help reduce the impact of potential agricultural activities on the residential use of these lots. The standard agricultural note must be put on plan. It is no longer recommended that the lots be reduced in size. The proposed lot size is consistent with the adjacent lots, and the loss of the agricultural resources is not significant.

JLP:MK:WL:sp

NICHOLS/DEPRM/TXTSBB

*10/16/95
gert
note
149*

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: Oct. 20, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 23, 1995
Item 149

The Development Plans Review Division has reviewed the subject zoning item. The recorded plat SM 62 Folio 035, dated July 18, 1990, "Gentsville, Plat Three", must be revised to reflect the approval Final Development Plan now called "Nicholson Manor - Section One - Special Hearing and Fourth Amended."

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 145, 147, 148, 150 and 151. *149*

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: October 17, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 149 and 151

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Edna L. Kerne*

PK/JL

ITEM149/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *149 (JLL)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es


My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

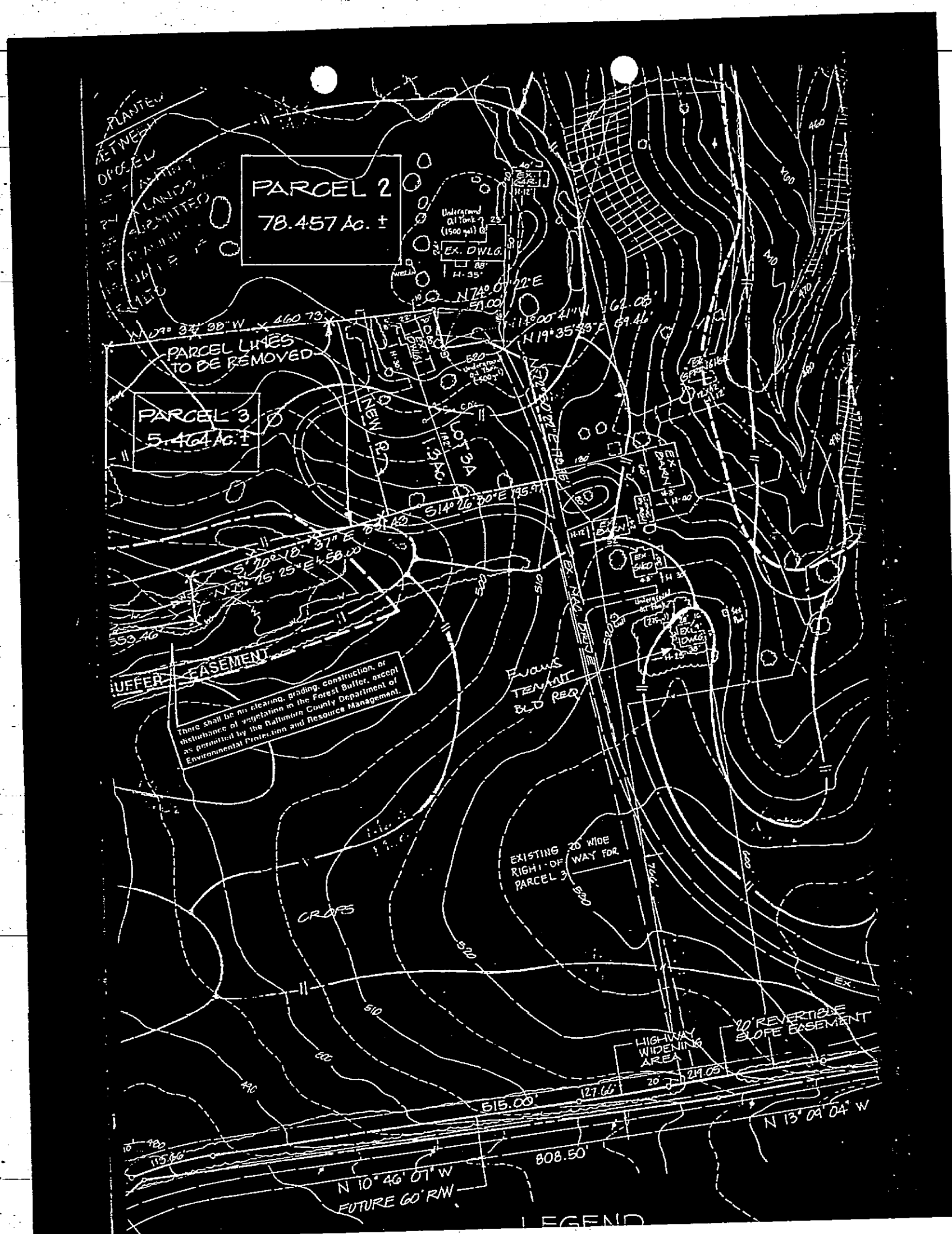
1 No review information on bottom of petition form.

Wallace S. Lippincott, Jr.

Signed: 
Representative of the Agricultural
Land Preservation Board for
Baltimore County

Lawrence Schmidt
Zoning Commissioner for
Baltimore County

5 SHAWAN RD HUNT VALLEY 21030
13941 CUBA RD Hunt Valley 21030



IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - 1/2 S. Cuba Road, 4200' +/- NW of Shawan Road (13941 Cuba Road) 8th Election District 3rd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 89-340-SPHA

John G. Evans, et ux Petitioners

*Case 89-340-SPHA
By: John G. Evans*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the reconfiguration of the parcels in the R.C. 2 zoned portion of the subject property to correct and restore three parcels with a retention of six (6) density units, as was permitted in 1977, and to confirm two (2) tenant houses, one (1) guest house, and the existence of a dwelling 16 feet from a street centerline as nonconforming; or, alternatively, to approve two (2) tenant houses and one guest house as nonconforming uses; and a variance to permit a street centerline setback of 16 feet in lieu of the required 75 feet for an existing tenant house, all as more particularly described in Petitioner's Exhibit 1.

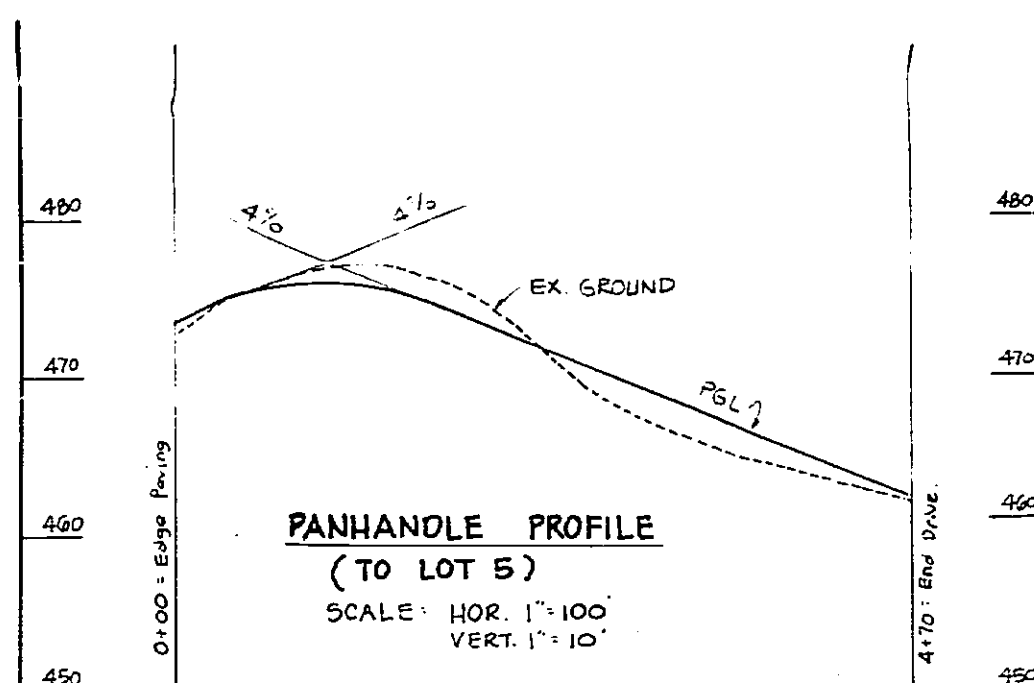
The Petitioners, by John G. Evans, appeared, testified, and were represented by Newton A. Williams, Esquire and Stephen J. Nolan, Esquire. Also appearing and testifying on behalf of the Petitions were James W. McKee and Geoffrey C. Schultz of McKee and Associates, and Bernard Willemain, a Land Planner. There were no Protestants.

Subsequent to the hearing, Lisa Keir, Executive Director of the Valleys Planning Council, contacted this office to advise that the Council had no comments on the subject proposal.

Testimony indicated that the subject property, known as 13941 Cuba Road, and also known as the Stone Hall Farm, consists of 209.08 acres

EXHIBIT 3

1. ALL LOTS SHOWN HEREON ARE FOR SINGLE FAMILY USE AND ARE FOR SALE.
2. THIS SITE LIES WITHIN CENSUS TRACT NO. 4089.
3. THIS SITE LIES WITHIN COUNCILMANIC DISTRICT NO. 3.
4. THIS SITE LIES WITHIN WATERSHED 11, SUBSEWERSHED 36.
5. EXISTING LAND USE IS AGRICULTURAL.
6. TO THE BEST OF OUR KNOWLEDGE, THERE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
7. TRASH IS TO BE COLLECTED BY BALTIMORE COUNTY.
8. ALL PANHANDLE DRIVEWAYS MUST BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE PANHANDLE DRIVEWAYS ACT. ALL DRIVEWAYS TO BE IN COMPLIANCE WITH THE COVENANTS TO BE REFORMED PRIOR TO THE SALE OF LOTS.



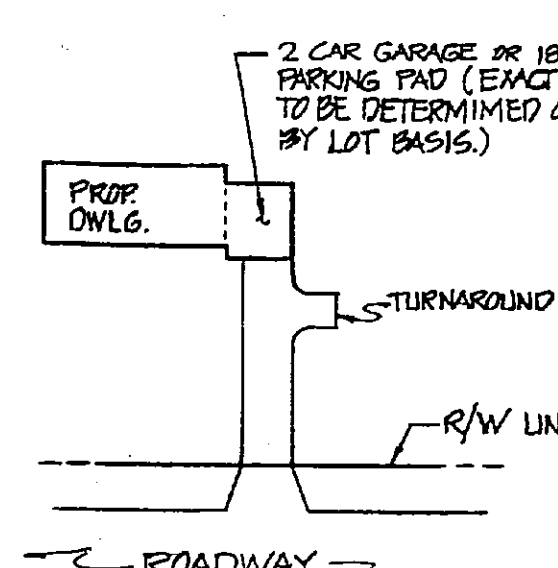
1. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE HOME BUILDING CONTRACTOR.
10. EXISTING TREES AND VEGETATION ARE TO BE PRESERVED WHERE POSSIBLE OUTSIDE OF ROAD, PANHANDLE, UTILITY, AND BUILDING CONSTRUCTION. NO MORE THAN 25% OF THE NATURAL VEGETATION MAY BE REMOVED.
11. THIS SITE IS EXEMPT FROM STORM WATER MANAGEMENT AS FOLLOWS SECTION 2-150.3(a) OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS STORM WATER MANAGEMENT POLICY AND DESIGN MANUAL. DATE OF EXEMPTION APPROVAL - 10/17/86.
12. THIS SITE IS EXEMPT FROM COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL (MAY 7, 1984)
13. NO LOCAL OPEN SPACE IS REQUIRED.
14. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY ZOO SOILS TOPOGRAPHY SHEET 100-10-200, 20E
15. SOILS SHOWN HEREON ARE TAKEN FROM BALTIMORE CO. SOIL SURVEY MAP NO.17.
16. LOTS SHOWN HEREON WILL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
17. AVERAGE DAILY TRIPS $17 \times 12.4 = 211$.
18. SITE IS APPROXIMATELY 15% WOODED WITH 1% OF EXISTING TREES TO BE KEPT
19. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPERS RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFERRED USE STATUS AND THAT ODORS, NOISE, DUST, FUMES, EQUIPMENT, LIVESTOCK, AND THE USE OF AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZER, HERBICIDES, AND OTHER CONTROL AGENTS) ARE IN ACTIVE USE.
20. AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN WILL BE REQUIRED IF A LOT PURCHASER PROPOSES TO FRONT A DWELLING CONSTRUCTION TO THE DIRECTIONAL ARROWS SHOWN HEREON.
21. NO MORE THAN 10% OF ANY LOT MAY BE COVERED BY IMPERMEABLE SURFACES IN THE RC-4 ZONE.
22. CLEARING ON LOTS 4, 5, & 15 IS TO BE LIMITED TO THAT NECESSARY FOR ROAD CONSTRUCTION, UTILITIES, DRIVEWAYS, & PRIVATE UTILITIES.
23. STORM WATER RUNOFF FROM ROOFTOPS IS TO BE MANAGED INDIVIDUALLY ON EACH LOT VIA INFILTRATION.
24. COVENANTS SHALL BE RECORDED TO RESTRICT THE LIMITS OF DISTURBANCE ON EACH LOT.
25. BALTIMORE COUNTY MAINTAINS 3.09 MILES OF CLUB ROAD FROM N. 19th WESTERN RUN ROAD TO N. 49th SHAWAN ROAD.
26. ACCESSORY STRUCTURE NOTE:

Standard Nondisturbance Note:

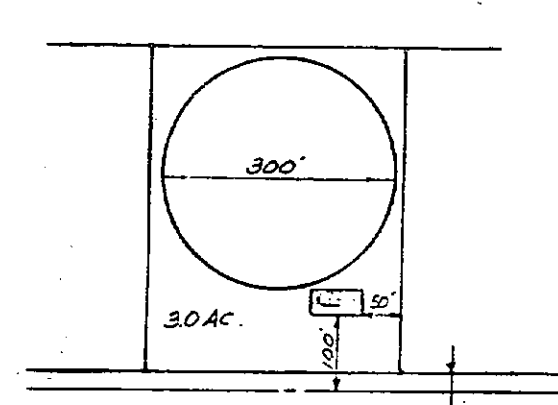
There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Protective Covenants Note:

Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.



TYPICAL PARKING LAYOUT
NOT TO SCALE



TYPICAL RC-4 LOT SETBACKS

1. ENVELOPES SHOW HEREIN ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS OR ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)
2. NECESSARY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS SHOULD NOT BE LOCATED IN FLAME COLUMN AREAS OR HYDRIC SOILS.
27. DIRECTOR OF Z.O.M. NOTE:
THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF Z.A.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROL AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS OR OTHER STRUCTURES OR FOR FUTURE DEVELOPMENT OR SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
28. CRS PLAN NOTE:
THIS DEVELOPMENT PLAN COMPLIES WITH THE CRS PLAN AND ALL CRS COVENANTS.

[illegible]

1. To permit the relocation of one permitted principle ~~the~~ living unit, and a reconfiguration of lot lines within the tract boundaries of two existing, contiguous RC-2 lots of record;
2. To amend the previously approved Final Development Plan;
3. To amend the previously approved Special Hearing Case No. 89-340-SPH;

Engineering - SHAWAN PLACE, 5 SHAWAN BLVD, SHAWAN, SASK S4N 1A1

Computed by 6C5
 Date OTM 16

Drawn by CHH:GWA
Checked by 604 W. McKee

DATE	REVISIONS

10-10-68

100-443887-1000

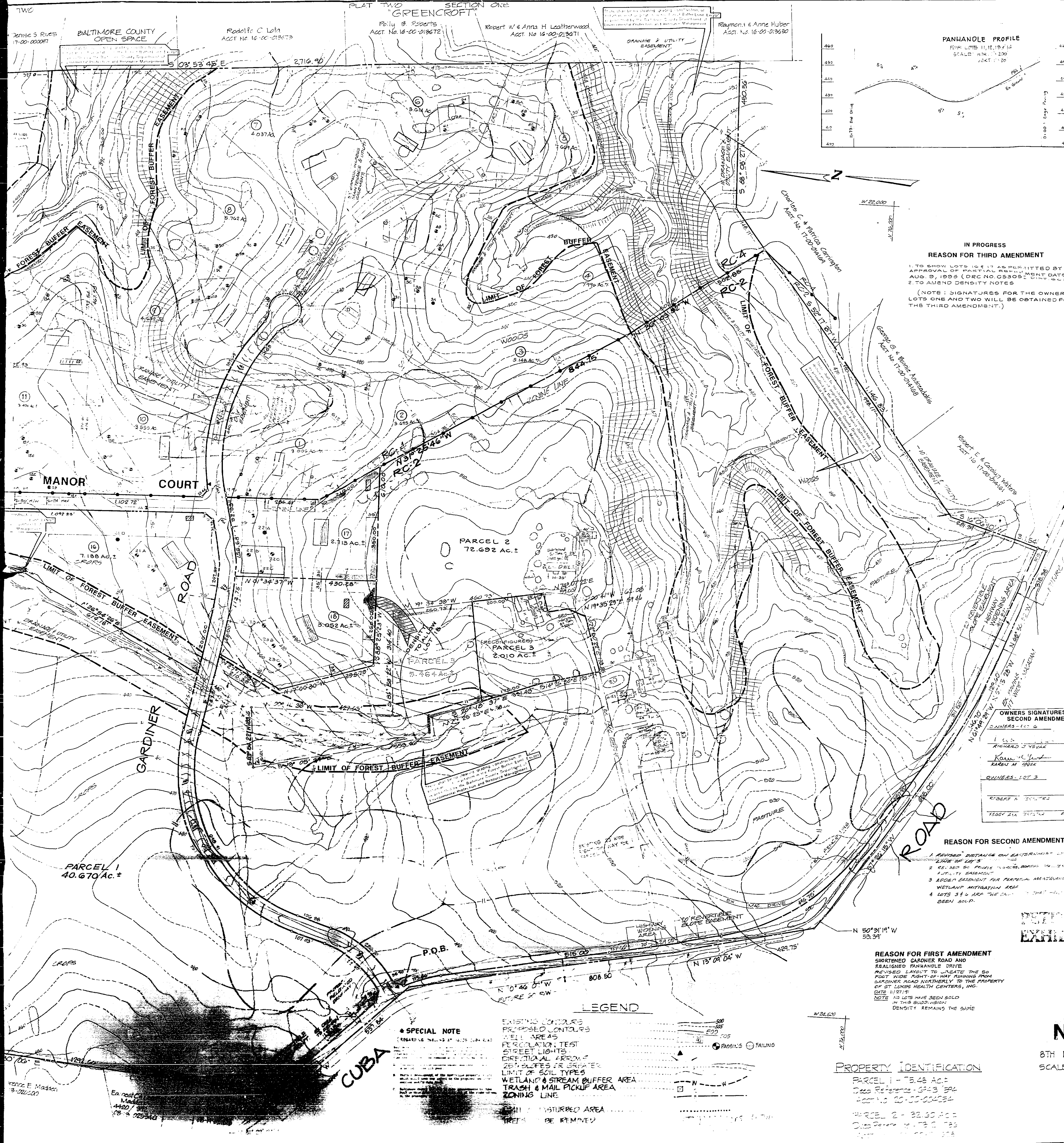
(REGARDING DWELLING AT 14025 CUBA ROAD)

Baltimore County will allow the existing tenant house to remain in the County permanently and be deemed for its intended use until one of the following occurs at which time the house must be removed at the cost to Baltimore County:

1. The existing house becomes vacant and remains vacant for a period of one (1) year;
2. Further development of the Germantown property occurs at which time the house is at least of the proposed new structure and is not a shed;
3. Baltimore County decides to have improvements or replacement of the shed which requires use of the building or the property for a residential use.

EXISTING CONTOURS
PROPOSED CONTOURS
WELL AREAS
PERCOLATION TEST
STREET LIGHTS
DIRECTIONAL ARROWS
25% SLOPES OR GREATER
LIMIT OF SOIL TYPES
WETLAND & STREAM BUFFER ARE
TRASH & MAIL PICKUP AREA
ZONING LINE

ANY OF THESE ARE
NEED TO BE REMOVED



GENERAL NOTES

1. ALL LOTS SHOWN HEREIN ARE FOR SINGLE FAMILY USE AND ARE FOR SALE.
2. THIS SITE LIES WITHIN CENSUS TRACT NO. 4083.
3. THIS SITE LIES WITHIN COUNCILMANIC DISTRICT NO. 3.
4. THIS SITE LIES WITHIN WATERSHED 11, SUBWERSHED 36.
5. EXISTING LAND USE IS AGRICULTURAL.
6. THE BEST OF OUR KNOWLEDGE, THERE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES OR HAZARDOUS MATERIALS ON THIS SITE.
7. THERE IS TO BE COLLECTED BY BALTIMORE COUNTY.
8. ALL PANHANDLE DRIVEWAYS MUST BE CONSTRUCTED TO THE DEED LOT. MAINTENANCE OF PANHANDLE DRIVEWAYS IS TO BE IN COMPLIANCE WITH THE COVENANTS TO BE REPRODUCED PRIOR TO THE SALE OF LOTS.

PANHANDLE PROFILE
(TO LOT 5)
SCALE: HORIZ. 1"=100'
VERT. 1"=10'

FOREST BUFFER NOTES

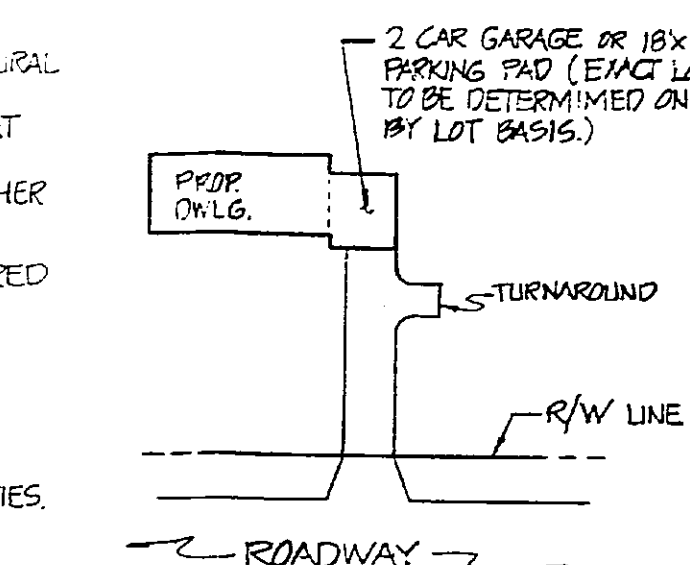
Standard Non-Residential Notes:

There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

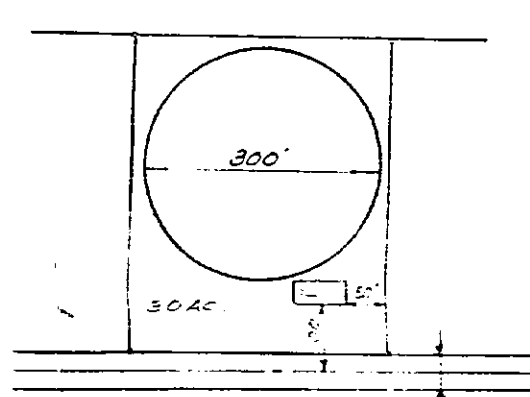
Protective Covenants Note:

Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.

9. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE HOME BUILDING CONTRACTOR.
10. EXISTING TREES AND VEGETATION ARE TO BE PRESERVED WHERE POSSIBLE OUTSIDE OF ROAD, PANHANDLE, UTILITY AND BUILDING CONSTRUCTION. NO MORE THAN 25% OF THE NATURAL VEGETATION MAY BE REMOVED.
11. THIS SITE IS EXEMPT FROM STORM WATER MANAGEMENT AS PER SECTION 2-150.36.4 OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS STORM WATER MANAGEMENT POLICY AND DESIGN MANUAL. DATE OF DEVIATION APPROVAL: 10/17/99.
12. THIS SITE IS EXEMPT FROM COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL (MAY 7, 1994).
13. NO LOCAL OPEN SPACE IS REQUIRED.
14. TOPOGRAPHY SHOWN HEREIN IS TAKEN FROM BALTIMORE COUNTY 200 SCALE TOPOGRAPHY, SHEET NOS. 140, 141, 200, 201.
15. SOILS SHOWN HEREIN ARE TAKEN FROM BALTIMORE CO. SOIL SURVEY MAP NO. 17.
16. LOTS SHOWN HEREIN WILL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
17. AVERAGE DAILY TRIPS 17 X 12.4 = 211.
18. SITE IS APPROXIMATELY 15% WOODED WITH 1% OF EXISTING TREES TO BE REMOVED.
19. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPER'S RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFERRED USE STATUS AND THAT PESTICIDES, FERTILIZERS, FERTILIZER, HERBICIDES, AND OTHER AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZER, HERBICIDES, AND OTHER AGRICULTURAL CHEMICALS) ARE IN ACTIVE USE.
20. AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN WILL BE REQUIRED IF A LOT PURCHASER PROPOSES TO FRONT A DWELLING CONTRARY TO THE DIRECTIONAL ARROWS SHOWN HEREON.
21. NO MORE THAN 10% OF ANY LOT MAY BE COVERED BY IMPERMEABLE SURFACES IN THE RC-4 ZONE.
22. CLEARING ON LOTS 4, 5, 6 IS TO BE LIMITED TO THAT NECESSARY FOR THE CONSTRUCTION OF HOUSES, DRIVEWAYS, & PRIVATE UTILITIES.
23. STORM WATER RUNOFF FROM ROOFTOPS IS TO BE MANAGED INDIVIDUALLY ON EACH LOT VIA INFILTRATION.
24. COVENANTS SHALL BE RECORDED TO RESTRICT THE LIMITS OF DISTURBANCE ON EACH LOT.
25. BALTIMORE COUNTY MANNING'S 3.04 MILES OF CUBA ROAD FROM 161ST WESTERN RUN ROAD TO 161ST SHAWAN ROAD.
26. ACCESSORY STRUCTURE NOTE:



TYPICAL PARKING LAYOUT
NOT TO SCALE



TYPICAL RC-4 LOT SETBACKS

1. ENVELOPES SHOWN HEREIN ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES & PROJECTING INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 401 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND ARTU SCALE BUILDABLE FEET).
2. ACCESSORY STRUCTURES, FENCES AND PROJECTING INTO YARDS CANNOT BE LOCATED IN PLANT PLAIN AREAS OR HYDRO SOILS.
3. DIRECTOR OF Z.A.D.M. NOTE:
4. THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF Z.A.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS. THAT COMPLY WITH PRESENT POLICY, DENSITY AND PARK CONTROL AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARTS OF THIS PLAN THAT WAS NOT UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREIN SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
5. ZONE PLAN NOTE:
6. THIS DEVELOPMENT PLAN COMPLIES WITH THE CRS PLAN AND ALL CRS COVENANTS.

TYPE	PERMITTED	NOT PERMITTED
1. Single-Family Detached	Yes	No
2. Single-Family Attached	Yes	No
3. Multi-Family Detached	No	Yes
4. Multi-Family Attached	No	Yes
5. Commercial	No	Yes
6. Industrial	No	Yes
7. Public Use	No	Yes
8. Religious	No	Yes
9. Educational	No	Yes
10. Health Care	No	Yes
11. Government	No	Yes
12. Other	No	Yes

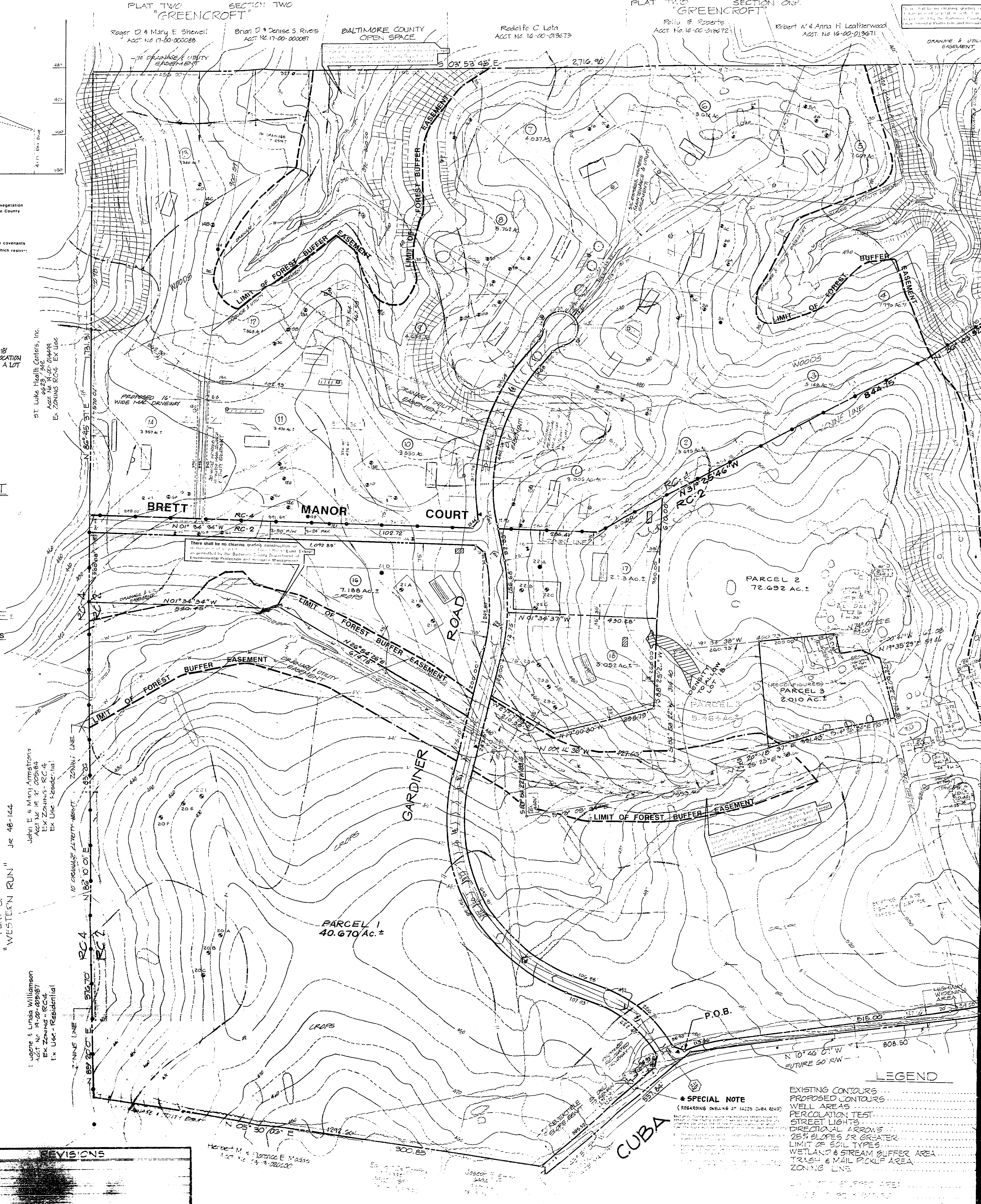
PETITION FOR SPECIAL HEARING

1. I request the relocation of one permitted principle dwelling unit from the location of lot lines within the subject boundaries to the location of lot lines within the subject boundaries.
2. To amend the previously approved Final Development Plan.
3. To amend the previously approved Special Hearing.

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Planning
SHAWAN PLACE 5 SHAWAN ROAD, BALTIMORE, MARYLAND 21204

Designed by: BCS
Drawn by: DTM JOK
Checked by: BCS
Time: W M K

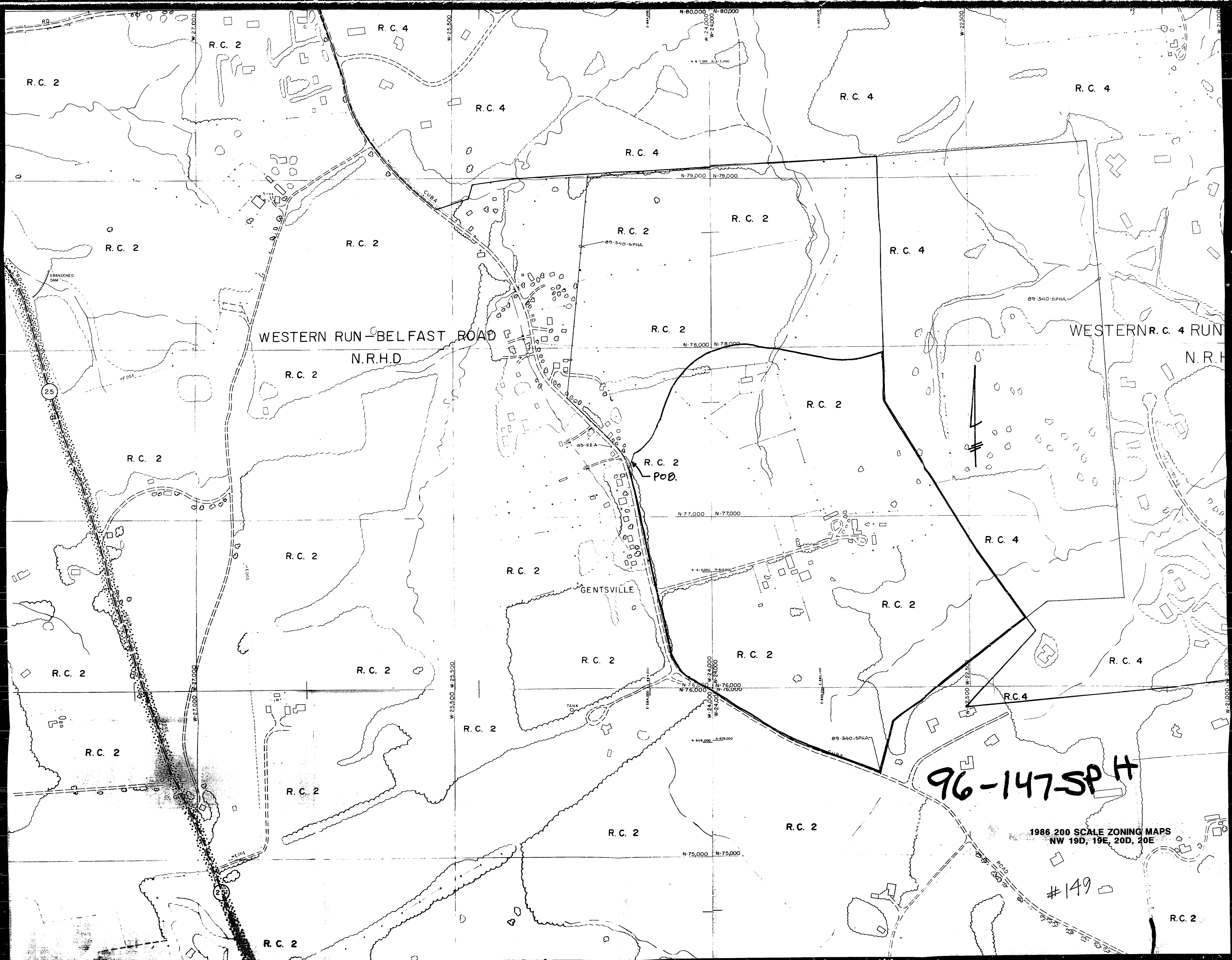
DATE	REVISIONS



*SPECIAL NOTE

(REGARDING DRAINAGE AT 14225 CUBA ROAD)
The drainage easement shown on this plan is for the purpose of the drainage easement shown on this plan. It is not to be used for any other purpose.

- LEGEND**
- EXISTING CONTOURS
 - PROPOSED CONTOURS
 - WELL AREAS
 - PERCOLATION TEST
 - STREET LIGHTS
 - DIRECTIONAL ARROWS
 - 25% SLOPES OR GREATER
 - LIMIT OF SOIL TYPE
 - WETLAND & STREAM BUFFER AREA
 - TRASH & MAIL PICKUP AREA
 - ZONING LINE



1986 200 SCALE ZONING MAPS
NW 19D, 19E, 20D, 20E

#149

R.C. 2